

# Jharkhand State Electricity Regulatory Commission

## Ranchi

### Form of Proceedings

#### Case No. 12 of 2017

Adhunik Power & Natural Resources Ltd. .... Petitioner

Vrs.

Jharkhand Bijli Vitran Nigam Limited (JBVNL) ..... Respondent

For the petitioner : Mr Parinay D. Shah, Advocate

For the Respondents : Mr. Naveen Kumar, and Mr. Amitabh, Advocates

Sl.No	Date of Proceeding	Proceeding of the Commission with signature	Office action taken with date
1	2	3	4
11	21.01.2019	<p>A petition has been filed on behalf of Adhunik Power and Natural Resources Limited (APNRL) for initiating actions against Jharkhand Bijli Vitran Nigam Limited (JBVNL) under section 142 of the Electricity Act, 2003 for non-compliance of the directions passed by this Commission in its order dated 21.12.2016 in Case no. 13 of 2014. Respondent filed counter affidavit dated 20.11.2018 and 09.01.2018. The petitioner filed rejoinder dated 04.12.2018.</p> <p>The matter was finally heard today in detail.</p> <p>Learned counsel for the petitioner submitted that this Commission in its order dated 21.12.2016 in Case no. 13 of</p>	

2014 while holding that apart from Transmission Loss, Injection Loss is also a component of transmission process and had directed the respondent to bear the transmission loss including the injection loss and further directed the respondent to pay and keep on paying for injection losses till any further order is passed by this Commission. The operative portion of the order is reproduced below:

*“ 27. We, therefore, hold that the Transmission loss including the injection loss which is a component of Transmission process as per the Schedule given to ERLDC from the Injection Point onward, which for the present is 400 KV PGCIL substation at Ramchandrapur, Jharkhand in Eastern Region, is to be borne by the respondent JUVNL/JBVNL.*

*28. Since the PPA clearly provided for construction of Dedicated Transmission system within two years of CoD, and the same has not been fulfilled by the petitioner-APNRL till date, one more opportunity is being given to the parties to fulfill the obligations/directions of the Commission dated 26.5.2014. The JUVNL/JBVNL are allowed further time till 31.1.2017 for submitting a report on cost benefit analysis to the Commission.*

*29. The respondents who are paying Transmission losses from the Delivery point which is 400 KV PGCIL sub-station at Ramchandrapur, Jharkhand in Eastern Region, under short term arrangement, shall go on paying the same including the Transmission losses i.e. Drawal losses and the Injection losses*

*till any order is passed by the Commission, after submission of report of the respondents on cost benefit analysis.”*

Learned Counsel for the petitioner submitted that as per the above decision of the Commission, the petitioner sent letter to the respondent on 29.12.2016 requesting payment for injection losses along with late payment surcharge for the period from 21.01.2013 to 21.12.2016 and raised claim of Rs. 10,28,44,523/- against the power supplied under the PPA and Rs. 1,04,74,340/- for power supplied on short term basis.

The petitioner followed up with the respondent vide its letter dated 18.01.2017, 07.03.2017 and 11.05.2017 for early payment of Injection losses in terms of the Commission's order.

Learned Counsel further submitted that from the date of filing of this petition, almost a year has elapsed for compliance of the directions issued by this Commission by the respondent, but the respondent has failed to make payment of Rs. 11,93,37,812/- towards Injection Losses and Rs. 3,67,68,339/- towards delayed payment surcharge i.e. total claim amounts to Rs. 15,61,06,152/-. He submitted that due to non-payment of dues by JBVNL, APNRL is in financial distress and finds it difficult to manage day to day operation of the plants including procurement of coal for their smooth operation. He therefore requested to initiate action against

JBVNL and its functionary for non-compliance of the Commission's order and direct them to make the payment of dues immediately.

Learned Counsel for the respondent submitted that the respondent is making every effort to fully comply with the order passed by this Commission. JBVNL is paying the injection loss charges from April, 2018 as per the order dated 21.12.2016 passed in case no. 13 of 2014 and is in the process of paying the balance Injection loss charges. JBVNL is making every effort to raise additional resources and has even requested the State Government to pay electricity dues of various governmental institutions/departments for its financial strengthening.

Learned Counsel for the respondent submitted that as regards the second direction in the order dated 21.12.2016 in Case no. 13 of 2014 for submitting a report on cost benefit analysis to the Commission for the construction of Dedicated Transmission System, the respondent had submitted it to JUSNL for technical scrutiny and further process. The JUSNL has submitted its report vide its letter dated 05.01.2019. JUSNL has reported that they don't have any extra space for constructing 220 kV bays except using two number of 220 kV unutilized bays of M/s Tata Power. However, most of the equipments installed in those bays are not worth to use. JBVNL has contacted its consultant to examine the technical

possibilities and would be submitting the cost benefit analysis once the technical feasibility is established.

**ORDER**

In view of the elaborate submissions made by the parties particularly the submission made by respondent JBVNL regarding efforts made by them to comply the order of the Commission, we don't consider it necessary to initiate action under section 142 of the Electricity Act, 2003 at this stage. However, in view of the long delay in full compliance of the orders, we direct that:

1. All admitted dues arising out of the order dated 21.12.2016 be paid expeditiously, preferably within this financial year.
2. A final report on the cost benefit analysis for the construction of Dedicated Transmission System which was to be submitted till 31.01.2017 be submitted urgently.

This petition is disposed off accordingly.

Sd/-  
Member (E)

Sd/-  
Chairperson